

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BREAKIRON,	:	
	:	
Petitioner,	:	
	:	CIVIL ACTION
v.	:	
	:	No. 00 - 300:
MARTIN HORN, Commissioner,	:	
Pennsylvania Department of Corrections;	:	Judge Hardiman
CONNOR BLAINE, Superintendent of the	:	
State Correctional Institution at Greene, and	:	THIS IS A CAPITAL CASE.
JOSEPH P. MAZURKIEWICZ,	:	
Superintendent of the State Correctional	:	
Institution at Rockview,	:	
	:	
Respondents.	:	

**REQUEST FOR ISSUANCE OF SUBPOENAS AND PAYMENT OF WITNESS FEES
PURSUANT TO 28 U.S.C. § 1825(b) AND RULE 30 OF THE FEDERAL RULES OF
CIVIL PROCEDURE**

AND NOW comes the Petitioner, Mark Breakiron, by his attorneys, and respectfully asks this Honorable Court for an order permitting an authorized representative of the Federal Public Defender to issue and serve the subpoenas on the people listed in the attached schedule.

1. On February 15, 2000, Judge William Standish granted *in forma pauperis* status to Petitioner Mark Breakiron and appointed counsel from the Capital Habeas Unit of the Defender Association of Philadelphia to represent him in these proceedings.
2. Judge Standish granted Petitioner's Motion for Discovery on February 18, 2005 and since that date the discovery process has been ongoing.

3. On May 3, 2006, following a brief telephonic status conference, Judge Hardiman granted Petitioner's oral motion to conduct depositions over Respondents' objection.

4. 28 U.S.C. §1825(b) provides that in proceedings in forma pauperis for a writ of habeas corpus, the United States marshal for the district shall pay, on certificate from the Court, all fees associated with the taking of depositions, including milage and witness fees, transcription and reporting fees.

5. Because Mr. Breakiron has been found indigent by this Court and lacks income to pay the costs of travel for the witnesses and other deposition fees, the Petitioner requests that these costs be borne by the government.

DATED: August 7, 2006

Respectfully submitted,

/S/ James Anderson
JAMES ANDERSON
Assistant Federal Public Defender
Capital Habeas Corpus Unit
LISA B. FREELAND
Federal Public Defender
1450 Liberty Center
1001 Liberty Avenue
Pittsburgh, PA 15222-3714
(412) 644-6565

STUART B. LEV
Assistant Federal Defender
MAUREEN KEARNEY ROWLEY
Chief Federal Defender
Federal Community Defender Office
for the Eastern District of Pennsylvania
Capital Habeas Corpus Unit
The Curtis Center, Suite 545 W
Independence Square West
Philadelphia, PA 19106
(215) 928-0520

